



Dated: August 20, 2013
The following is SO ORDERED:


Paulette J. Delk
UNITED STATES BANKRUPTCY JUDGE

**UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION**

In re

GERALD KEITH SUZORE,
Debtor.

Case No. 13-24153-pjd
Chapter 7

**CONSENT ORDER ON DEBTOR'S OBJECTION
TO CONSENT ORDER AUTHORIZING SALE OF
ESTATE'S INTEREST AND INTEREST OF
CO-OWNER PURSUANT TO 11 U.S.C. § 363(h)**

COME NOW, Edward L. Montedonico, the duly appointed and acting chapter 7 trustee (the "**Trustee**") and Gerald Keith Suzore (the "**Debtor**") and submit this Consent Order on Debtor's Objection Authorizing Sale of the Estate's Interest and the Interest of Co-Owner Pursuant to 11 U.S.C. § 363(h). Based upon the agreement of the parties set forth below and consideration of the case record as a whole, the Court hereby finds and orders as follows:

1. On April 17, 2013, Gerald Suzore filed the instant chapter 7 bankruptcy case.
2. On or about April 17, 2013, Edward L. Montedonico was appointed as the chapter 7 trustee.

3. At the time of the filing of this case, Gerald Suzore and Gladys Suzore were co-owners of that certain real property located at 899 Newington, Collierville, Tennessee, 38017 and more particularly described in that certain Warranty Deed dated September 24, 2001 and of record at Instrument No. LJ6424 in the Office of the Shelby County Register of Deeds (herein, the “**Property**”).

4. The Trustee and Gladys Suzore have agreed that the Property shall be sold pursuant to the terms of the Consent Order Authorizing Sale of the Estate’s Interest and the Interest of Co-Owner Pursuant to 11 U.S.C. § 363(h) (Doc. No. 35) entered July 23, 2013 (the “**Consent Order**”) which generally provides that the Property will be sold and the net proceeds after costs of sale, payment of the first mortgage, closing costs, taxes and prorations and similar items, are to be divided equally between the estate and Gladys Suzore.

5. The Debtor has objected to the Consent Order contending that he is entitled to his \$5,000 homestead exemption in the Property.

6. The Debtor and the Trustee have agreed that the Debtor shall be entitled to be paid the claimed homestead exemption in the amount of \$5,000 payable solely from the estate’s one-half (½) of the net proceeds of sale of the Property and the Trustee shall remit the sum of \$5,000 to the Debtor solely from the estate’s one-half (½) of the net proceeds of sale of the Property provided that there are sufficient funds for the \$5,000 to be paid from the estate’s one-half (½) of the net proceeds of sale.

Based upon the foregoing **IT IS ORDERED** that the Debtor shall be entitled to a homestead exemption in the Property in the amount of \$5,000.

IT IS FURTHER ORDERED that the Trustee shall remit the sum of \$5,000 to the Debtor solely from the estate’s one-half (½) of the net proceeds of sale of the Property provided

that there are sufficient funds for the \$5,000 to be paid from the estate's one-half (1/2) of the net proceeds of sale.

IT IS FURTHER ORDERED that in the event that the estate's one half (1/2) of the net proceeds of sale of the Property are insufficient to pay the full amount of the Debtor's claimed \$5,000 homestead exemption, the Trustee shall have no obligation to consummate the sale of the Property or to pay the claimed exemption amount.

APPROVED AND AGREED:

BUTLER, SNOW, O'MARA, STEVENS & CANNADA, PLLC

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Attorney for the Debtor

REQUEST FOR SERVICE

The undersigned hereby requests that a copy of this Order be served by the Clerk upon the persons listed below upon its entry:

Matrix
All creditors and interested parties
Debtor
Debtor's Attorney
Trustee
United States Trustee

/s/ James E. Bailey III